

Remarks

Claims 1-7 are active in the application. Claims 1-7 stand rejected under 35 U.S.C. § 102(e) as anticipated by a U.S. Patent to Moberg, no. 6,248,093.

A request for continued examination under 37 C.F.R. §1.114 is filed herewith.

Claim 1 has been amended to clarify the language of element "c." This alternative wording choice makes clear and unambiguous the requirement that the plunger rod threads and drive screw threads interlock (and disengage) as the barrel is turned. Applicants maintain that the scope of the claim remains unchanged and thus no new matter has been added.

Claim 6 has been amended to require that the plunger rod threads not be cylindrically symmetrical about the reservoir longitudinal axis. Figure 4A of the present application, for example, shows the plunger rod **40** in relation to the reservoir **30**, as viewed along the reservoir's longitudinal axis. As can be clearly seen, the plunger rod is not cylindrically symmetrical about the reservoir axis. No new matter has been added.

Rejections under 35 U.S.C. 102(e)

Claims 1-6 stand rejected under 35 U.S.C. § 102(e) as anticipated by a U.S. Patent to Moberg. Claim 1 is patentable over Moberg because Moberg does not teach a barrel which when rotated interlocks the plunger rod threads with the drive screw threads. In particular, referring to fig. 4 of Moberg,

rotation of reservoir 406 (denoted as a "barrel" in ¶3 of the office action) does not remove rod 905 from engagement with screw threads 901.

Claim 1, as amended, requires, in part:

c. a plunger rod, the rod having threads at least part of its length, the rod inserted through the clearance hole, the rod threads interlocking with and disengaging from the screw threads by rotating the barrel about the barrel axis.

Since Moberg does not teach a required limitation of element "c" of claim 1, as amended, Moberg cannot anticipate claim 1. For at least this reason, claim 1 is patentable over Moberg. Claims 2-5 and 7 which depend from claim 1 and add further limitations are patentable over Moberg for at least the same reasons as for claim 1.

Claim 6, as amended, requires:

A reservoir assembly for infusing fluids comprising:

- a. a reservoir of variable volume, the reservoir characterized by a longitudinal reservoir axis;
- b. a plunger connected to the bottom of the reservoir; and
- c. a plunger rod coupled to the plunger, the plunger when axially displaced causing a change in volume in the reservoir, the rod having threads at least part of its length, the rod threads not cylindrically symmetrical about the reservoir axis.

As can be seen in figures 4 and 9 of the Moberg patent, the plunger rod, labeled 405 in figure 4 and labeled 902/905 in figure 9, is cylindrically symmetrical about the longitudinal axis of the reservoir. This design is

suitable since Moberg's plunger rod is not made to be disengaged from the drive screw during operational use. In the present application, the lack of cylindrical symmetry about the reservoir axis for the plunger rod, allows the reservoir to be loaded into a pump and then rotated to engage the plunger rod with the drive screw. Since Moberg does not teach or suggest a plunger rod meeting the limitations of claim 6, as amended, Moberg cannot anticipate claim 6. Thus, claims 1-7 are deemed patentable over Moberg.

Applicants request reconsideration of all pending claims and a notice of allowance. The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 19-4972. The Examiner is requested to telephone the undersigned if any matters remain outstanding so that they may be resolved expeditiously.

Respectfully submitted,



Samuel J. Petuchowski
Registration No. 37,910
Attorney for Applicants

Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618
(617) 443-9292

01062/00C54 282087.1